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September 18, 2018

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BY EMAIL AND ECF FILING

The Honorable Judge Shelley C. Chapman
United States Bankruptcy Court
One Bowling Green
New York, NY 10004-1408

Re: MacGreevey v. NYAM LLC, Adv. Pro. No. 17-01101 (SCC)

Dear Judge Chapman:

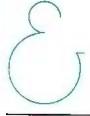
We represent David MacGreevey, in his capacity as Plan Administrator of Runway Liquidation Holdings, LLC and its related debtors (the “Plaintiff”), the plaintiff in the above-referenced adversary proceeding (the “Adversary Proceeding”). We write pursuant to Bankruptcy Local Rule 7056-1(a) to request a pre-motion conference prior to the filing of a motion for partial summary judgment dismissing the defendant’s second affirmative defense (the “Second Affirmative Defense”) asserted by NYAM LLC (“NYAM”) in the Adversary Proceeding.

Issue to Be Presented

Is NYAM’s Second Affirmative Defense valid such that NYAM will be entitled to setoff its alleged unsecured claim against any judgment rendered against it in this Adversary Proceeding?

Grounds for Relief

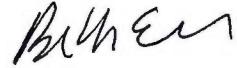
Because NYAM assigned the invoices underlying its proof of claim to a third party, its factor, Hana Financial, Inc., there is no mutuality between those amounts and the royalty payments owed by NYAM to BCBG. Accordingly, Plaintiff respectfully submits that this Court should grant summary judgment dismissing the Second Affirmative Defense in its entirety.

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The Honorable Judge Shelley C. Chapman
September 18, 2018
Page 2

We believe that the proposed partial summary judgment motion can be heard by this Court without further discovery. We are available to answer any questions the Court may have.

Respectfully submitted,



Beth E. Levine

BEL

cc: Michael Hamersky, Esq. (by email)